IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 24793 of 2004

Between:

Smt. P.N.Jayasree Naidu W/o P.Laxman
AP.Housing Board, R/o Hyderabad.

..... PETITIONER

AND

The Deputy Registrar Officer on Special Duty, Hyderabad.
District Co-operative Central Bank Ltd., Nampally Station Road, Hyderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue an appropriate writ, order or direction , more particularly one in the nature of Writ of Certiorari called for the record pertaining to the demand notice EP.No.6/2004, dt. 17/12/2004 issued by the respondent herein and impugned in the instant writ petition and set aside the same as being illegal, arbitrary and violative of the principles of natural justice apart from being violative of Art. 14 & 21 of the constitution of India.

Counsel for the Petitioner: MR.L.NANDA KISHORE

Counsel for the Respondent: MR.R.RADHAKRISHNA REDDY

The Court at the stage of admission made the following ORDER:

Petitioner feels aggrieved by a demand notice dated 17.12.2004 issued under Rule 52 of the A.P. Co-operative Societies Rules, 1964. According to the learned counsel for the petitioner, the demand notice is not preceded by any adjudication.

Learned standing counsel for the respondent, on the other hand, submits that a surcharge order under Section 60 of the A.P. Co-operative Societies Act was passed against the petitioner and several others long back and the demand notice was issued in accordance with the surcharge order.

Though the demand notice is said to be for execution of the surcharge order, the particulars thereof are not mentioned. In the absence of the same, it would be difficult for the petitioner to prefer an appeal before the appellate Tribunal.

In that view of the matter, the writ petition is disposed of directing that it shall be open to the petitioner to approach the respondent with a request to furnish the copy of the surcharge order against her and if she presents an appeal within 15 days thereafter it shall be entertained by the appellate Tribunal, as having been presented within limitation. The respondent shall not take any coercive steps against the petitioner in pursuance of the demand notice for a period of three weeks from today. There shall be no order as to costs.

30.12.2004

ksld

To

1 The Deputy Registrar Officer on Special Duty, Hyderabad.
District Co-operative Central Bank Ltd., Nampally Station Road,

Hyderabad.

2 Two CD copies.